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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,812

05/15/2008

Edward Zheng

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34284

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02/06/2009

Rutan & Tucker, LLP.

611 ANTON BLVD

SUITE 1400

COSTA MESA, CA 92626

EXAMINER

WHITE, RODNEY BARNETT

ART UNIT

PAPER NUMBER

3636

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/597,812	<b>Applicant(s)</b> ZHENG, EDWARD	
	<b>Examiner</b> Rodney B. White	<b>Art Unit</b> 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's arguments filed 12/05/2008 have been fully considered but they are not persuasive.

### ***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are so dark that absolutely no details are visible. Figures 1-2 appear to be nothing but two black structures with no details shown. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the details as described in the specification and as they are claimed. The drawings are so dark that the details that the Applicant argues are not visible. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37

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CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (U.S. Patent No. 5,893,605) in view of Halliday (U.S. Patent No. 5,149,120).

Chang shows a collapsible chair comprising a first cross bar and a second cross bar, and a second cross brace with a third cross bar and a fourth cross bar, wherein the first and second cross braces are coupled to each other via a third cross brace with a fifth cross bar and a sixth cross bar and a fourth cross brace with a seventh cross bar and an eighth cross bar, such that one end of the first cross bar is pivotably coupled to one end to the eight cross bar and one end of the second cross bar is pivotably coupled to one end of the sixth cross bar to form a quad structure. Each of the first cross bar and the second cross bar, the third cross bar and the fourth cross bar, the fifth cross bar and the sixth cross bar, and the seventh cross bar and the eighth cross bar are rotatably coupled to each other via a first, second, third, and fourth axis, respectively but does not teach the spacer element. However, Halliday teaches a spacer element that maintains a minimum distance of at least 1 cm between the cross bars that are rotatably coupled to each other. It would have been obvious and well within the level of ordinary skill in the art to modify the chair, as taught by Chang, to include spacer elements coupled to the first, second, and third, and fourth axes, as taught by Halliday, since it would prevent inadvertent folding of the chair and to reduce collapsibility of the collapsible chair as compared to a chair without a spacer element.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (U.S. Patent No. 5,893,605) in view of Aycock (U.S. Patent No. 5,975,626).

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Chang shows a collapsible chair comprising a first cross bar and a second cross bar, and a second cross brace with a third cross bar and a fourth cross bar, wherein the first and second cross braces are coupled to each other via a third cross brace with a fifth cross bar and a sixth cross bar and a fourth cross brace with a seventh cross bar and an eighth cross bar, such that one end of the first cross bar is pivotably coupled to one end to the eighth cross bar and one end of the second cross bar is pivotably coupled to one end of the sixth cross bar to form a quad structure. Each of the first cross bar and the second cross bar, the third cross bar and the fourth cross bar, the fifth cross bar and the sixth cross bar, and the seventh cross bar and the eighth cross bar are rotatably coupled to each other via a first, second, third, and fourth axis, respectively but does not teach the spacer element. However, Aycock teaches a spacer element that maintains a minimum distance of at least 1 cm between the cross bars that are rotatably coupled to each other. It would have been obvious and well within the level of ordinary skill in the art to modify the chair, as taught by Chang, to include spacer elements coupled to the first, second, and third, and fourth axes, as taught by Aycock, since it would reduce collapsibility of the collapsible chair as compared to a chair without a spacer element.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (U.S. Patent No. 5,893,605) in view of Ku (U.S. Patent Application Publication No. 2003/0006632 A1).

Chang shows a collapsible chair comprising a first cross bar and a second cross

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bar, and a second cross brace with a third cross bar and a fourth cross bar, wherein the first and second cross braces are coupled to each other via a third cross brace with a fifth cross bar and a sixth cross bar and a fourth cross brace with a seventh cross bar and an eighth cross bar, such that one end of the first cross bar is pivotably coupled to one end to the eight cross bar and one end of the second cross bar is pivotably coupled to one end of the sixth cross bar to form a quad structure. Each of the first cross bar and the second cross bar, the third cross bar and the fourth cross bar, the fifth cross bar and the sixth cross bar, and the seventh cross bar and the eighth cross bar are rotatably coupled to each other via a first, second, third, and fourth axis, respectively but does not teach the spacer element. However, Ku teaches a spacer element that maintains a minimum distance of at least 1 cm between the cross bars that are rotatably coupled to each other. It would have been obvious and well within the level of ordinary skill in the art to modify the chair, as taught by Chang, to include spacer elements coupled to the first, second, and third, and fourth axes, as taught by Ku, since it would reduce collapsibility of the collapsible chair as compared to a chair without a spacer element.

### ***Remarks***

As mentioned previously, the drawings are so dark that absolutely no details are visible. Figures 1-2 appear to be nothing but two black structures with no details shown. “Spacer element 228” is not shown. The specification states that the “spacer element

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248" is not shown. The Chang patent appears to be almost identical to what little could be seen of the present invention, and, as stated, was silent about the "spacers", whatever they are, since they cannot be readily identified with the naked eye. Just as the Examiner had to guess at what the "spacers" are in the Drawings, there was no need to identify any specific structure in the prior art since the unrecognizable "spacers", which also lack detail in both their description and interaction in the claims, could be anything. Applicant must submit formal and legible drawings of Figures 1-2 and should probably a closer and/or larger more detailed view of these "spacers" so that one of ordinary skill in the art can fully understand the details of the "spacers" and how they function.

Applicant also argues about " '358 patent" and makes reference to a "Malsbury patent" when there is no such patent cited in the office action, no such patent used as prior art to reject the claims, no such patent on the Form PTO-892, and there is no such patent on the Form PTO-1449 (the Information Disclosure Statement). Did Applicant mistakenly include arguments from another patent application to the Remarks of the amendment to the present invention?

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571)272-6863. The examiner can normally be reached on 5:30 AM-3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dunn David can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rodney B. White/  
Primary Examiner  
Art Unit 3636  
February 2, 2009